IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.M.P.No.17250 of 2006 &
W.P.No.3139 of 2006

Dated: 25th July, 2006

Between:

Ambu Bai Jadav

.. Petitioner

and

The A.P. Cooperative Tribunal,
represented by its Chairman/District Judge,
Hyderabad & others.

.. Respondents

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ORDER:

This writ petition is filed being aggrieved by the order made in O.P.No.315 of 2004 dated 29.12.2005 on the file of the first respondent and seeking to quash the same as arbitrary and illegal.

The said O.P. was filed by the second respondent society against petitioner and fourth respondent herein for recovery of Rs.2,96,466/- with interest at 21% per annum with quarterly rests from the date of petition till the date of realization and costs. The first respondent-Tribunal by order dated 29.12.2005 passed award fixing the liability on the petitioner and fourth respondent herein jointly and severally for Rs.2,62,180/- with interest @ 21% per annum from the date of filing the petition i.e. on 22.11.2004 on the principal amount of Rs.2,08,041/- till realization. Aggrieved by the same, the present writ petition is filed.

Now it is brought to the notice of the Court that petitioner Ambu Bai Jadav W/o Raghunath Jadav died during the pendency of writ petition. Therefore, the present W.P.M.P.No.17250 of 2006 is filed under Order XXI Rule 3 of Civil Procedure Code to bring the legal representatives of the petitioner on record. According to the proposed petitioners, the writ petitioner has executed a Will Deed dated 10.4.2006 at Hyderabad in their favour and therefore, they may be permitted to pursue the writ petition.

I am of the opinion that if really a Will Deed is executed in favour of proposed petitioners, it is always open for them to file appropriate

claim petition before the appropriate authority whenever an execution petition is filed as per the Award under challenge. So far as impleading them as legal heirs of writ petitioner in this petition does not arise, therefore, the WPMP.No.17250 of 2006 is liable to be dismissed and accordingly dismissed.

In the result, the writ petition itself stands dismissed. No order as to costs.

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C.V.RAMULU, J

Date: 25.7.2006

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25.7.2006